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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

CANUTE ERASTO DAWES,

Defendant and Appellant.

D055592

(Super. Ct. No. SCD216123)

APPEAL from a judgment of the Superior Court of San Diego County, Theodore M. Weathers, Judge. Affirmed and remanded with directions.

A jury found Canute Erasto Dawes guilty of inflicting corporal injury on a co-parent (Pen. Code,¹ § 273.5, subd (a)), and Dawes admitted prior convictions under sections 273.5, subdivision (a) and 245, subdivision (a)(1) (§ 273.5, subd. (e)(1)) (count 1). He pleaded guilty to being a felon in possession of a firearm (§ 12021, subd. (a)(1)) (count 2), being a felon in possession of ammunition (§ 12316, subd. (b)(1)) (count 3)

¹ All statutory references are to the Penal Code.

and misdemeanor resisting a public officer (§ 148, subd. (a)(1)) (count 4). Dawes also admitted serving a prior prison term (§ 667.5, subd (b)). The court sentenced Dawes to five years eight months in prison: the four-year middle term on count 1, eight months (one-third the middle term) on count 2,² a stayed term on count 3 (§ 654), credit for time served on count 4 and one year for the prior prison term. Dawes appeals. We affirm.

BACKGROUND

On August 1, 2008, Dawes struck Amisha Gomez three times in the head with a closed fist. He also hit or bit her arm. Gomez suffered a large bump on her forehead. She is the mother of Dawes's young child.

On September 16, 2008, Dawes, a convicted felon, possessed a firearm and ammunition. He resisted arrest by running from his parole officer.

DISCUSSION

Appointed appellate counsel has filed a brief summarizing the facts and proceedings below. Counsel presents no argument for reversal, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel lists, as possible but not arguable issues, (1) whether the court violated Dawes's due process rights by admitting evidence of prior domestic and other violence and (2) whether the court violated his right to confront witnesses by admitting into evidence a recording of a 911 call.

² The abstract of judgment erroneously lists the sentence on count 2 as two years, one-third the middle term. The middle term is two years, and one-third the middle term is therefore eight months. We direct the trial court to correct the abstract of judgment accordingly.

We granted Dawes permission to file a brief on his own behalf. He has not responded. A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738, including the possible issues listed pursuant to *Anders v. California, supra*, 386 U.S. 738, has disclosed no reasonably arguable appellate issues. Dawes has been competently represented by counsel on this appeal.

DISPOSITION

The judgment is affirmed. The case is remanded to the trial court with directions to correct the abstract of judgment to reflect a sentence on count 2 of eight months, one-third the middle term. The court shall forward the corrected abstract of judgment to the Department of Corrections and Rehabilitation.

NARES, J.

WE CONCUR:

BENKE, Acting P. J.

HALLER, J.